



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

5 Applicants(s): Fulcomer et al.
Case: 5-3
Serial No.: 09/240,932
Filing Date: January 29, 1999
Group: 2663
10 Examiner: Chi Ho A. Lee

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature: Bobbie Blue Date: February 17, 2005

Title: Application Module Interface for Bi-directional Signaling and Bearer Channels in a Private Branch Exchange (PBX) Environment

15

SUPPLEMENTAL APPEAL BRIEF

Mail Stop Appeal Brief-Patents
20 Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

25

Appellants hereby reply to the non-final Office Action, mailed November 17, 2004. A request to reinstate the appeal is submitted herewith. Appellants' Appeal Brief in an Appeal of the final rejection of claims 1 through 16 in the above-identified patent application was submitted on June 29, 2004.

30

REAL PARTY IN INTEREST

A statement identifying the real party in interest is contained in Appellants' Appeal Brief.

35

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences that will directly affect or be directly affected by or have a bearing on the decision in the present appeal.

STATUS OF CLAIMS

Claims 1 through 16 are pending in the above-identified patent application. Claims 1-16 remain rejected under 35 U.S.C. § 102(b) as being anticipated by Amada et al. (United States Patent Number 4,841,521). The Examiner also added a new rejection of claims 1-16 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

STATUS OF AMENDMENTS

A statement identifying the status of the amendments is contained in Appellants' Appeal Brief.

SUMMARY OF CLAIMED SUBJECT MATTER

A Summary of the Invention is contained in Appellants' Appeal Brief.

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A statement identifying the issues originally presented for review is contained in Appellants' Appeal Brief. In the Office Action, the Examiner maintained the rejection of the prior office action and added a new rejection of claims 1-16 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Amada et al.; and claims 1-16 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

CLAIMS APPEALED

A copy of the appealed claims is contained in an Appendix of Appellants' Appeal Brief.

ARGUMENTS

Section 112 Rejections

Claims 1-16 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding independent claims 1, 6, 9, 13, and 16, the Examiner asserts that it is unclear whether the “a corresponding directional channel” is referring to the direction of the “at least one bearer channel.”

Independent claim 1, for example, requires a receiver for receiving signals from said connector, said receiver using a frame format, wherein each frame in said frame format provides *a channel for each direction of at least one bearer (B) channel corresponding to a communication*, such that a single entity places data from each of said directions of said communication in a corresponding directional channel of a given frame. Appellants note that the cited claim requires a frame format that provides a *channel for each direction* of at least one bearer (B) channel *corresponding to a communication*. The *data from each of the directions of the two-way communication* is placed in a corresponding *directional channel*. Each directional channel is therefore part of the frame format and is associated with the corresponding direction of bearer (B) channel, as would be apparent to a person of ordinary skill in the art.

Section 102 Rejections

Appellants’ original arguments are contained in Appellants’ Appeal Brief and are hereby incorporated by reference. In the current Office Action, the Examiner maintained the rejection of claims 1-16 under 35 U.S.C. § 102(b) as being anticipated by Amada et al.

In the Response to Arguments section, the Examiner asserts that Amada teaches one or more channels corresponding to a communication, such that a single entity places data from each of said directions of said communication in a corresponding directional channel of a given frame. The Examiner further asserts that, as shown in FIG.1a, “transmission period (frame format) illustrates, the two bearer channel 7, 9 that can be transmit in either directions (A to B) or (B to A) wherein a data transmission reception apparatus in fig. 1b places data in either directions corresponding to the direction of the

bearer channel. Hence, a single entity does places data in either directions corresponding to the bearer channels.”

Contrary to the Examiner’s assertion, a data transmission reception apparatus *cannot* place data *in either direction* corresponding to the direction of the bearer channel. A single entity (e.g., data transmission reception apparatus A or data transmission reception apparatus B) can only place data in *one direction*. Data transmission reception apparatus A can *only* place data in the A to B direction, and data transmission reception apparatus B can *only* place data in the B to A direction. Thus, a single entity cannot place data in either direction corresponding to the bearer channels in the apparatus disclosed by Amada.

Thus, Amada et al. do not disclose or suggest one or more channels corresponding to a communication, such that a single entity places data from each of said directions of said communication in a corresponding directional channel of a given frame, as required by independent claims 1, 6, 9, 13, and 16.

Conclusion

The rejections of the independent claims under section 112 and under section 102 in view of Amada et al. are therefore believed to be improper and should be withdrawn. The remaining rejected dependent claims are believed allowable for at least the reasons identified above with respect to the independent claims.

The attention of the Examiner and the Appeal Board to this matter is appreciated.

Respectfully submitted,

Dated: February 17, 2005

By: 

Kevin M. Mason
Reg. No. 36,597
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06430
TEL: (203) 255-6560
FAX: (203) 255-6570



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicants(s): Fulcomer et al.
Case: 5-3
Serial No.: 09/240,932
Filing Date: January 29, 1999
Group: 2663
Examiner: Chi Ho A. Lee

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature: *Robert A. Lee* Date: February 17, 2005

Title: Application Module Interface for Bidirectional Signaling and Bearer Channels in a Private Branch Exchange (PBX) Environment

REQUEST TO REINSTATE APPEAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Sir:

Applicants hereby request to reinstate the appeal. Applicants' Appeal Brief was submitted on June 29, 2004. A new Office Action was mailed on November 17, 2004.

The attention of the Examiner and the Appeal Board to this matter is appreciated.

Respectfully,

Kevin M. Mason

Kevin M. Mason
Attorney for Applicant(s)
Reg. No. 36,597
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824
(203) 255-6560

Date: February 17, 2005

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.